

Reply to Office Action Dated 3/24/05

Serial No. 09/923,032

K-C Docket No. 15454.1

Remarks

In response to the restriction requirement mailed March 24, 2005, the Applicants offer the following comments. The Examiner is respectfully requested to consider these comments carefully.

Before making an election in this application, Applicants first point out that they are unclear why the election is being made at this stage of the application. The current application has had two previous Office Actions without requiring an election. In addition, the "species" shown in Figures 1-6 are an additional embodiment of the present invention. That is, the species shown in each of the Figures is generically claimed in claims 7 and 15 as a vaginal insertion device. Furthermore, the present invention, as claimed, **does not require the vaginal insertion device**, as is evidenced by the remaining claims, in particular, the independent claims 1, 8 and 29. It is rather clear that the vaginal insertion device is a further embodiment of the present invention and the patentability of claims 1-6, 8-14 and 29-33 does not depend on the particulars of the vaginal insertion device, since these claims do not require the vaginal insertion device. As a result, claims 1-6, 8-14 and 29-33 should be examined independent of the election made below.

In order to be fully responsive to the Office Action, Applicants **provisionally elect** the species of Figures 1-4. Contrary to the Examiner's statement that there is not a generic claim in the application, Applicants respectfully point out that all of the claims of the present application are generic to the "species" shown in Figures 1-6, and, more importantly, claims 7 and 15 are generic to the "species" shown in Figures 1-6.

Applicants respectfully submit that the Examiner's restriction requirement is in error and should be withdrawn for the reasons stated above.

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Respectfully submitted,

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